THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16295 of 2000

Dated: 27.06.2006

Between
M.A.Mukheed

…..Petitioner

and

1. The Collector (CS) Medak
at Sangareddy and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16295 of 2000

ORDER:

This writ petiton is filed seeking Certiorari to call for records and declare the proceedings dated 11.8.2000 vide case No.CSA/19/A/2000 on the file of the 1st respondent confirming the orders passed by the 2nd respondent dated 26.6.00 as illegal, and arbitrary, and consequently to direct the respondents to restore the authorization to distribute the essential commodities through fair price shop No.2 of Narayankhed Town and Mandal, Medak District.

It is the case of the petitioner that he has the authorization of the fair price dealership of shop No.2 of Narayankhed Town and Mandal, Medak district and he has been running the shop for 15 years preceding the date of filing of the writ petiton without any complaints from the people or authorities. While so, the Deputy Superintendent of Police (Vigilance) seems to have made enquiries personally behind the petitioner and leveled certain allegations. Basing on those allegations, a show cause notice was issued on 30.12.1999 and the petitioner submitted his explanation for the same on 17.01.2000. Having not satisfied with the explanation, an enquiry was conducted without furnishing him any of the proceedings relied upon and passed orders of cancellation of authorization on 26.6.2000. Even a perusal of the show cause notice and the order of the 2nd respondent would indicate that all

the allegations are trivial and general in nature. Therefore, the cancellation of authorization of the petitioner by the Revenue Divisional Officer on 26.6.2000 and its confirmation by the Joint Collector, Civil Supplies on 11.08.2000 is arbitrary and illegal.

It is the case of the respondents that the petitioner has committed grave irregularities. Therefore, after conducting a detailed enquiry into the matter, the impugned order was passed and the same is valid. Hence, no interference is called for under Article 227 of the Constitution of India.

Heard the learned counsel on either side. Perused the impugned order and other material made available on record.

A perusal of the order passed by the Revenue Divisional Officer dated 26.6.2000 would indicate that the charges are only trivial and general in nature. There is no specific charge against the petitioner. Further, against each charge, the petitioner has submitted his explanation and on the basis of a report purported to have been submitted by the Deputy Superintendent Police, Vigilance, the decision was arrived at by the Revenue Divisional Officer. Absolutely, there is no independent, cogent and acceptable evidence on record. The petitioner was not given any opportunity to cross examine the witnesses, if any. Further, the copy of the report purported to have been submitted by the Deputy Superintendent of Police or the Mandal Revenue Officer, was not given to the petitioner. Aggrieved by the same, the petitioner filed an appeal before the Collector. Having heard, the Collector also passed a cryptic order without reference to the irregularities committed by the petitioner and as to what exactly was the report submitted by the Deputy Superintendent of Police, and Mandal

Revenue Officer. None of these things have been mentioned.

The counter does not reveal any opportunity given to the petitioner before passing the order or copy of the report of the Mandal Revenue Officer or the Deputy Superintendent of Police was furnished.

Further, the learned Government Pleader submits that the petitioner has not preferred a revision against this order before the Collector. Therefore, the matter may be remitted to the Revenue Divisional Officer for re-enquiry into the matter.

The very charges are trivial and general in nature and the impugned order is in gross violation of principles of natural justice. Apart from that, the petitioner has suffered for more than six years for the irregularities alleged against him. That itself is more than sufficient. Therefore, there is no necessity of further enquiry into these trivial and general allegations made against the petitioner. Hence, I am of the opinion that the impugned orders are liable to be set aside and are accordingly set aside.

In the result, the writ petition is allowed and the respondents are directed to restore the fair price dealership of the petitioner forth with. No costs.

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27.06.2006

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